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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,070	10/15/1999	RYUICHI SHIOHARA	Q56248	9664

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SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE N W
WASHINGTON, DC 200373202

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/419,070

Applicant(s)

SHIOHARA, RYUICHI

Examiner

LUONG T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 6/10/05.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Final Office action mailed on 9/12/2005 has been withdrawn due to Amendment crossed in mail filed on 9/26/2005. A replacement Final Office action has been made as follow.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9 and newly added claims 10-14 filed on 6/10/2005 and 9/26/2005 have been fully considered but they are not persuasive.

In re pages 10-11 of Amendment filed on 6/10/2005, Applicant argues that there is no indication that record location information is changed, therefore, Kuba fails to teach or suggest “wherein the processing sequence of the recorded image data is updated by changing record location information of the record image data to record location information of another record image data.”

In response, regarding claim 1, noted that the feature “indication that record location information is changed” is not a claim language; instead the Applicant amended claim 1 with the limitation “wherein the processing sequence of the recorded image data is updated by changing record location information of the record image data to record location information of another recorded image data.” The Examiner considers that claim 1 as amended still does not distinguish from Kuba et al. patent. Kuba et al. discloses the playback sequence (processing sequence of the recorded image data) is updated by changing the record location information of the record image data to record location information of another record image data (the playback sequence in order

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1-8 is updated by changing the record location 4 of image picked-up 90.10.6 to record location 1, changing the record location 6 of image picked-up 90.12.10 to record location 2, changing the record location 1 of image picked-up 91.1.2 to record location 3, and so on as shown in figures 27(A) and 27(B)).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuba et al. (US 5,806,072).

Regarding claim 1, Kuba et al. disclose a digital camera for recording image data onto a recording medium by converting an image pickup light photoelectrically, comprising an image data management file for storing a plurality of recording information having a processing sequence, an image type and a recording location of the recorded image data (Kuba et al. discloses a hierarchical directory (figures 5 and 6) as an image data management file. The hierarchical directory is used for managing data files (column 1, lines 44-52). The hierarchical directory includes a processing sequence and a recording location as shown in figure 27(A), 27(B), column 23, lines 15-23. And Kuba et al. discloses a management of data files having an

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image type (time or date) as shown in figure 7, column 15, lines 35-50), the image data management file being stored in the recording medium separately from the image data (date data is stored in section #21, image data is stored in section #22, figures 23(A), 23(B)); and means for updating the image data management file (controller 19 rearranges the sequence of reproduction of data, figures 27(A), 27(B), column 23, lines 25-45), wherein the processing sequence of the recorded image data (playback sequence, figure 27(B)) is updated by changing record location information of the record image data to record location information of another record image data (the playback sequence in order 1-8 is updated by changing the record location 4 of image picked-up 90.10.6 to record location 1, changing the record location 6 of image picked-up 90.12.10 to record location 2, changing the record location 1 of image picked-up 91.1.2 to record location 3, and so on as shown in figures 27(A) and 27(B)).

Regarding claims 2, 6, Kuba et al. disclose display means for displaying the recorded image data (viewfinder 34, figures 21(A), 21(B), 22, 25(A), 25(B), column 21, lines 23-26), wherein an order of which the image data are displayed on the display means is changed in compliance with the change of the processing sequence (figures 21(A), 21(B), 22, 25(A), 25(B), column 20, lines 45-61, column 22, lines 5-15).

Regarding claims 3, 7, Kuba et al. disclose output means for outputting the recorded image data to an external device (external output terminal 35, figure 22, column 21, lines 20-30), wherein an order of which the image data are outputted to the external device is changed in

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compliance with the change of the processing sequence (figures 21(A), 21(B), 22, 25(A), 25(B), column 20, lines 45-61, column 22, lines 5-15, column 21, lines 20-30).

Regarding claim 4, all the limitation are contained in claim 1, therefore see Examiner's comments regarding claim 1, except for the feature "deciding processing sequence of predetermined image data" is disclosed as the recording and play of the image files are managed by utilizing the hierarchical directory file system (Kuba et al., column 14, lines 55-65).

Regarding claim 5, all the limitations are contained in claim 1, therefore see Examiner's comments regarding claim 1.

Regarding claim 8, Kuba et al. discloses said management file is updated by changing at least one said record location for at least one said image number of said management records, thereby changing said processing sequence (figure 27(A), 27(B)).

Regarding claim 9, Kuba et al. discloses wherein said image data comprises at least two file format types (Kuba et al. discloses a file format other than an acceptable format contained in image data, column 28, lines 42-50, this shows that there are two file format types).

Regarding claim 10, Kuba et al. discloses wherein a record for an image data in one format is correlated to a record of a respective image data in another format (column 28, lines 42-50).

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Regarding claim 11, Kuba et al. discloses wherein the record location information is a pointer to a storage location of a respective image data (pointer, column 37, lines 18-20, column 38, lines 33-37).

Regarding claim 12, Kuba et al. discloses means for receiving a user request for a change of the processing sequence (operation unit 38, figure 22, column 21, lines 29-31), where said request comprises selecting an image from the image data and a position for the image in the processing sequence, and wherein the updating means updates the image data management file based on the user request (system controller 39 changes the record location as shown in figure 27(A), 27(B) based on the user input at operation unit 38, column 21, lines 29-31) .

Regarding claim 13, Kuba et al. discloses the image type is a format of the image (column 28, lines 42-50) and wherein the record location information is a parameter (a pointer, column 37, lines 18-20, column 38, lines 33-37) identifying at least one of a start position and an end position of a storage location that stores a respective image data.

Regarding claim 14, Kuba et al. discloses the image data management file is provided separately from the image data (date data is stored in section #21, image data is stored in section #22, figures 23(A), 23(B)), and wherein the processing sequence is logically changed by changing the record location information while physical location of the image data remains unchanged (the playback sequence in order 1-8 is updated by changing the record location 4 of image picked-up 90.10.6 to record location 1, changing the record location 6 of image picked-up

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90.12.10 to record location 2, changing the record location 1 of image picked-up 91.1.2 to record location 3, and so on as shown in figures 27(A) and 27(B). Note that in figures 27(A) and 27(B), only record location changes, there is no mention to the change of physical location of the image data, this means that physical location of the image data remains unchanged).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LUONG T NGUYEN** whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NGOCYEN VU can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN *LN*
10/30/2005


NGOC-YEN VU
PRIMARY EXAMINER